

CLAUDETTE PRIDE, CHIEF R&ROG

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
JAN 09 2004

OFFICE OF
MANAGING DIRECTOR

Mr. Dan J. Alpert
Counsel for AM Radio 1170, Inc.
2120 N. 21st Road
Suite 400
Arlington, VA 22201

Re: Request of Waiver of Fiscal Year 2003 Regulatory Fee
for Station KENT AM
Fee Control No. 00000RROG-04-019

Dear Mr. Alpert:

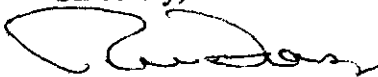
This is in response to your request dated September 17, 2003 for waiver of the Fiscal Year (FY) 2003 regulatory fee filed on behalf of AM Radio 1170, Inc. licensee of Station KENT (AM), Honolulu, Hawaii. You maintain that Station KENT (AM) is dark.

In support of your request, you have attached a letter dated March 20, 2003 from Peter H. Doyle, Chief of the Audio Division of the Media Bureau, granting Station KENT (AM) Special Temporary Authority (STA) to remain silent, not to exceed one hundred eighty days from the date of the letter, or September 16, 2003. You subsequently have submitted copies of letters dated September 17, 2003 and November 4, 2003 requesting Commission consent to remain silent. That request is still pending.

In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of broadcast service by dark stations and that therefore it would waive the fee requirement for stations which have ceased operation. Our records indicate that AM Station KENT has been dark since February 19, 2003. Thus because Station KENT (AM) was dark on September 25, 2003, the final date of the filing window for FY 2003 regulatory fees, your request is granted and the FY 2003 regulatory fee for AM Radio 1170, Inc. is waived. This waiver will remain in effect until the station is reactivated. As a reminder, your STA indicated that the broadcast licenses for Station KENT (AM) will automatically expire if broadcast operations do not commence by 12:01 a.m. on February 20, 2004. See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g).

If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,


Mark A. Reger
Chief Financial Officer

00000 RRO6-04-019

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

September 17, 2003

RECEIVED - FCC

SEP 17 2003

Federal Communication Commission
Bureau / Office

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W.
Washington, DC 20554

Re: **Stations KENT**
Facility No. 13985
Honolulu, HI

Dear Mr. Fishel:

AM Radio 1170, Inc., by its attorney, hereby requests a waiver of its 2003 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

AM Radio 1170, Inc. is licensee of Station KENT(AM), Honolulu, Hawaii. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2003 Annual Regulatory Fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for AM Radio 1170, Inc.

RECEIVED NOV 12 2003

Attachment 1

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

**IN REPLY REFER TO:
1800B3-ALM**

March 20, 2003

Dan J. Alpert, Esquire
2120 North 21st Road
Suite 400
Arlington, Virginia 22201

**In re: KENT(AM), Honolulu, Hawaii
Facility ID No. 13985
Silent Since February 19, 2003
Request For Special Temporary
Authority To Remain Silent**

Dear Mr. Alpert:

This letter concerns your request, filed on March 18, 2003, on behalf of AM Radio 1170, Inc., for Special Temporary Authority to permit AM Station KENT to remain silent.

You state a condition attached to a construction permit issued by the Commission on June 4, 2002 effectively limits the station to a power of approximately 400 watts. This does not allow coverage of the station's community of license. A request for removal of the condition is pending, as is a request to operate with greater power for testing purposes. You indicate that KENT(AM) has ceased operations pending consideration of these requests. Your request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹


Your request will be granted. Accordingly, special temporary authority is granted to permit AM Station KENT to remain silent not to exceed one hundred eighty days from the date of this letter. **Notwithstanding the grant of this special temporary authority, the broadcast licenses for KENT(AM) will automatically expire as a matter of law if**

¹In the event extension of special temporary authority is sought, please renew the certification in this matter.

broadcast operations do not commence by 12:01 a.m. on February 20, 2004.² See
Section 312(g) of the Communications Act, 47 U.S.C. Section 312(g).

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

²Notification of resumption of broadcast operations must be mailed to:

Federal Communications Commission
Attn: 1800B3-ALM, Room 2-B450
445 12th Street, S.W.
Washington, D.C. 20554